

individual may be substituted for the terms of the instrument. This is more particularly true with regard to such an instrument as the Constitution of the United States, which was the work in the first instance of a general convention from the different States, and was afterwards submitted to the conventions of the people in each of the States. So that not a word or letter, and certainly not a single principle contained in it can be supposed to have escaped the severest scrutiny, and the whole must therefore have the highest sanction.

Upon opening that instrument, the first principle which presents itself is, that it purports to be the act of the American people. It is not stated to be a compact between New-Hampshire, Massachusetts, Rhode Island, and the other ten sovereign states, and which would have been the appropriate, and indeed the only preamble if the idea intended to be conveyed was, that of a compact or treaty between those sovereign states; but on the contrary, it is declared to be the act of the American people. The language is, "We the people of the United States do ordain and establish this constitution for the United States of America." The principle here established is, that the government created by that constitution is the act of the people of the United States, and not the act of the States, as sovereignties. As this principle lies at the foundation of the whole system, it is impossible that it should have escaped the attention of the General Convention, and of the thirteen state conventions which passed upon it. They could not have been ignorant of, or inattentive to, the difference of the two principles involved in the question, whether the instrument to which they assented, was a constitution of government to be established by the people, or a treaty or compact between thirteen sovereign states. To suppose them ignorant, is to suppose them incompetent to their task, and to suppose them inattentive, is to suppose them culpably negligent of their duty. But we will show that they were neither the one or the other.

The very first question, as might naturally be supposed, that presented itself to the General Convention was, whether the constitution they were about to form, should be a compact among the states or the act of the people. The particular business of the convention was opened by Governor Randolph, who submitted to their consideration, on the 29th May, 1787, various resolutions, with a view to settle the principles on which they were to proceed. The